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February 23, 2010

The Honorable Michael R. Hogan
District Court Judge
Eugene Divisional Office
U.S. Courthouse
405 East 8th Avenue
Eugene, OR 97401

RE: *United States v. Pirouz Sedaghaty*
U.S. District Court Case No. CR 05-60008

Dear Judge Hogan:

I am writing because, at the January 19, 2010 hearing, you asked that the defense informally provide you with questions we plan to ask at a classified hearing concerning the defendant's motion to suppress.

We would like to ask detailed questions of FBI Agent David Carroll and perhaps his superiors, about the information that prompted the government to initiate the investigation and seek a search warrant. *See, Murray v. United States*, 487 U.S. 533, 542-43 (1988). These questions would include the following areas:

1. Why were the particular search terms, including "Timimi" used by the government in this case?
2. Why did you testify at the unclassified hearing that you could not answer questions about Al-Timimi?
3. What prompted the US Government to initiate the investigation of defendant and co-defendants? Who made the decision to initiate the investigation?
4. Given that the defense has confirmed that there was video surveillance of the defendant, describe the role surveillance played in the initiation of the investigation? Exactly what surveillance was conducted in this case? Which agencies conducted the surveillance? What authority or authorities were relied upon for such surveillance?

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5. What role did the information contained in the document discussed by the Ninth Circuit in *Al-Haramain v. Bush*, 507 F.3d 1190, 1194-95 (9th Cir, 2007), play in the decision to initiate a criminal investigation of defendant and Al Haramain and what role did this information play in the decision to obtain a search warrant?

6. What activities were undertaken with respect to the defendant and Al Haramain USA under the authority referenced in the briefing to Congress by NSA director Hayden on October 1, 2001, in which he is reported to have stated that he was "operating since the September 11 attacks with an expansive view of [his] authority?" What information from those types of activities and similar surveillance activities, including those described in the Ninth Circuit case referenced above, was relied upon in deciding to initiate the investigation of Mr. Sedaghaty and then to seek the search warrant that was executed in February 2004?

7. Given that some of the relevant reports provided to the defense are identified with FBI File numbers 265A-NY-280350 and 265D-NY-280350, the file numbers used for the FBI investigations of the events of September 11, 2001, how are those cases related to the instant case?

8. Given that the Director of the United States Treasury Department's Office of Foreign Assets Control, Adam J. Szubin, has stated that the Treasury Department's investigation was closely coordinated with other agencies of the U.S. government, what were the specifics of this close coordination? What role did the FBI play in this coordination?

9. Prior to the decision to seek a search warrant of Mr. Sedaghaty's residence and the prayer house in Ashland, Oregon, did you, anyone in your agency, anyone in any other agency involved in this case, or anyone in the United States Attorney's Office consult with any government officials or employees in Washington, D.C.? If so, who? If so, when? If so, did you receive permission or approval, either formal or informal, from anyone in Washington, D.C. to conduct a search?

10. Did you report to anyone in Washington, D.C., either directly or through a supervisor, on your investigation of Mr. Sedaghaty and Al Haramain? If so, who? If so, when? If so, about what?

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We would also like to ask similar questions to IRS Agent Colleen Anderson. We would like to ask OFAC Director Adam J. Szubin question numbers 3-7.

Yours truly,



LAWRENCE MATASAR



STEPHEN T. WAX
Federal Public Defender

LM/smw

cc: Steven T. Wax
Christopher L. Cardani
Charles F. Gorder, Jr.